

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08-CR-00109-RJC

USA

v.

STEWART SCHER

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ORDER

THIS MATTER comes before the Court on the defendant's pro se Motion to Modify Sentence, pursuant to 18 U.S.C. § 3582(c)(2). (Doc. No. 39).

Title 18, United States Code, Section 3582(c)(2) allows a court to reduce a sentence based on a guideline range that has been subsequently lowered by the Sentencing Commission. Here, Amendment 536 detailed by the defendant as affecting his sentence, (Doc. No. 39: Motion at 1), is not designated by the Commission as being retroactively applicable, USSG §1B1.10(a)(1), (d). Thus, he is not entitled to relief.

IT IS, THEREFORE, ORDERED that the defendant's Motion to Modify Sentence, (Doc. No. 39), is **DENIED**.

Signed: February 14, 2017



Robert J. Conrad, Jr.
United States District Judge

